

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Larry D Shaffer
Carol S. Shaffer**
Debtor(s)

Bankruptcy Case No.: 20-70128-JAD
Issued per 6/19/20 proceeding
Chapter: 13
Docket No.: 31 - 10
Concil. Conf.: September 24, 2020 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 3/12/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 24, 2020 at 11:00 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Roundpoint Mortgage [Cl #9] and ACAR Leasing [Cl #3] .
- ☒ H. Additional Terms: Atty Fee to be based on retainer of #750.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: June 24, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Larry D Shaffer
 Carol S. Shaffer
 Debtors

Case No. 20-70128-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jfur
 Form ID: 149

Page 1 of 2
 Total Noticed: 36

Date Rcvd: Jun 25, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 27, 2020.

db/jdb
 15222184 +Larry D Shaffer, Carol S. Shaffer, 8016 Hyndman Road, Buffalo Mills, PA 15534-9104
 15224379 +ACAR Leasing LTD, d/b/a GM Financial Leasing, PO Box 183853, Arlington TX 76096-3853
 15214003 +BMW Financial Services Attn: Customer Accounting, 5550 Britton Parkway,
 Hilliard, OH 43026-7456
 15242386 +Cbna, Po Box 6497, Sioux Falls, SD 57117-6497
 15214004 Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
 15214005 +Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
 15214008 +Comenitybank/legndpine, Po Box 182789, Columbus, OH 43218-2789
 15214009 +First National Bank of Pennsylvania, 4140 E. State Street, Hermitage, PA 16148-3401
 15230793 +Fnb Omaha, P.O. Box 3412, Omaha, NE 68197-0001
 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o Robertson, Anschutz & Schneid, P.L, 6409 Congress Avenue, suite 100,
 Boca Raton, FL 33487-2853
 15227755 +PERI GARITE, ATTN CARD WORKS, 101 CROSSWAYS PARK DR W, WOODBURY NY 11797-2020
 (address filed with court: First National Bank of Omaha, 1620 Dodge Street, Stop Code 3129,
 Omaha, Nebraska 68197)
 15232306 +RoundPoint Mortgage Servicing Corporation, 446 Wrenplace Road, Fort Mill, SC 29715-0200
 15214013 +Roundpoint Mtg, 446 Wrenplace Road, Fort Mill, SC 29715-0200
 15214014 +Somerset Trust Company, 151 W Main St, Somerset, PA 15501-2068
 15214018 +Tractor Supply/cbna, Po Box 6497, Sioux Falls, SD 57117-6497

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/PDF: acg.acg.ebn@americaninfosource.com Jun 26 2020 03:49:32
 BMW Bank of North America, c/o AIS Portfolio Servi, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 26 2020 03:49:36
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15214001 E-mail/PDF: ais.bmw.ebn@americaninfosource.com Jun 26 2020 03:50:09 Bmw Financial Services,
 Po Box 3608, Dublin, OH 43016
 15214000 +E-mail/Text: bknotices@bankofthewest.com Jun 26 2020 03:48:18 Bank Of The West,
 2527 Camino Ramon, San Ramon, CA 94583-4213
 15230139 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 26 2020 03:50:34
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15214002 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 26 2020 03:50:02
 Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 15214006 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 26 2020 03:47:47 Comenitycb/bosco,
 Po Box 182120, Columbus, OH 43218-2120
 15217185 E-mail/Text: mrdiscen@discover.com Jun 26 2020 03:47:31 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15214007 +E-mail/Text: mrdiscen@discover.com Jun 26 2020 03:47:31 Discover Fin Svcs Llc, Pob 15316,
 Wilmington, DE 19850-5316
 15214011 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Jun 26 2020 03:47:41 GM Financial,
 P.O. Box 183834, Arlington, TX 76096-3834
 15214010 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Jun 26 2020 03:47:41 Gm Financial,
 Po Box 181145, Arlington, TX 76096-1145
 15241704 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 26 2020 03:48:21 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15214012 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jun 26 2020 03:49:58 Jpmcb Card,
 Po Box 15369, Wilmington, DE 19850
 15240851 E-mail/PDF: resurgentbknotifications@resurgent.com Jun 26 2020 03:49:37 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15239963 E-mail/Text: bnc-quantum@quantum3group.com Jun 26 2020 03:47:52
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 15239964 E-mail/Text: bnc-quantum@quantum3group.com Jun 26 2020 03:47:52
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788
 15214015 +E-mail/PDF: gecsedirecoverycorp.com Jun 26 2020 03:49:57 Synch/amazon, Po Box 965015,
 Orlando, FL 32896-5015
 15214016 +E-mail/PDF: gecsedirecoverycorp.com Jun 26 2020 03:49:26 Synch/lowes, Po Box 956005,
 Orlando, FL 32896-0001
 15214017 +E-mail/PDF: gecsedirecoverycorp.com Jun 26 2020 03:49:26 Synch/score Rewards Dc,
 P.O. Box 965005, Orlando, FL 32896-5005
 15215036 +E-mail/PDF: gecsedirecoverycorp.com Jun 26 2020 03:49:57 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15243137 +E-mail/PDF: gecsedirecoverycorp.com Jun 26 2020 03:49:29 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021

TOTAL: 21

District/off: 0315-7

User: jfur
Form ID: 149

Page 2 of 2
Total Noticed: 36

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***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BMW Bank of North America
cr RoundPoint Mortgage Servicing Corporation
aty* +Somerset Trust Company, 151 W. Main Street, Somerset, PA 15501-2068

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 27, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 24, 2020 at the address(es) listed below:

David J. Novak on behalf of Attorney Somerset Trust Company davidnov162@hotmail.com,
rfn@jjbodies.com
James Warmbrodt on behalf of Creditor RoundPoint Mortgage Servicing Corporation
bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Carol S. Shaffer thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor Larry D Shaffer thedebterasers@aol.com
Laurence A. Mester on behalf of Creditor BMW Bank of North America lmester@mesterschwartz.com,
jschwartz@mesterschwartz.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7